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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,325	12/18/2000	Brian Showers	027-0002	4574

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EXAMINER
CAPRON, AARON J

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		**Applicant(s)**
Office Action Summary	09/740,325		SHOWERS ET AL.
	Examiner		**Art Unit**
	Aaron J. Capron		3714

-- Th MAILING DATE of this communication app ars on the cov r she t with th corr spondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _23 September 2002_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
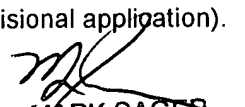
Disposition of Claims

4) ☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-35_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. MARK SAGER

PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

This is a response to the Amendment received on September 23, 2002, in which claims

15, 18-19, 24 and 32-34 were amended. Claims 1-35 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 6-10, 25-27, 29 and 35 are rejected under 35 U.S.C. 102(e) as being

anticipated by Schneier '408.

Schneier '408 discloses a method for facilitating verifiable gaming transactions that

includes a first commit sequence commits an outcome generator to a set of outcomes (2:2-5,

8:36-39 and 13:6-13), and instances of the second commit sequence commits at least each player

to an index contribution and thereafter reveal the index contribution (5:20-37 and 13:6-13);

selecting from the outcomes based on a predefined combination operation on the index

contribution; and thereafter revealing the set of outcomes for validation thereof (12:48 to 13:4).

Referring to claims 2 and 3, Schneier '408 discloses a set of outcomes that corresponds to

card values (7:46-58) where the cards can be shuffled (1:15-26).

Referring to claim 4, Schneier '408 discloses a method that includes predefined combination operation that operates on an index contribution of the outcome generator (9:41-64)

Referring to claims 6 and 7, Schneier '408 discloses a method wherein the first commit sequence includes encryption of the set of outcomes; supply of the encrypted set of outcomes to each of the players; and later access to set of outcomes using a key (2:2-5, 5:62-67, 9:3-22 and 9:41-64).

Referring to claim 8, Schneier '408 discloses a method wherein the second commit sequence includes hashing the index contribution; supply hashed index to the outcome generator and to all of the players; and later supply of the index to the outcome generator and to all players (11:18-62 and 12:42-44).

Referring to claim 9, Schneier '408 discloses a method wherein the first and second commit sequences include respective transformational securings selected from the set of cryptographic encodings, hashes and irreversible transforms (9:3-40 and 11:29-42).

Referring to claim 10, Schneier '408 discloses a method wherein the first commit sequence is performed by a game processor (4:23-28) and the second sequence is performed by a respective player processor (8:36-39).

Referring to claim 25, Schneier '408 discloses an outcome generator that includes a commitment sequence executable to supply one or more players with a secured set of outcomes and a reveal sequence responsive to receipt of index contributions from each of the players, the reveal sequence executable to select a particular one of the outcomes based on a combination of player indexes.

Referring to claim 26, Schneier '408 discloses a generator that includes game logic.

Referring to claim 27, Schneier '408 discloses a generator wherein the commitment and reveal sequences employ cryptographic transformations.

Claim 29 corresponds in scope to a computer program product set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Claim 35 corresponds in scope to an apparatus set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Claims 5 and 30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schneier '408. Schneier '408 discloses at least one of the features listed in each of the claims below, but does not teach all of the features listed in each of the claims below. However, these "untaught" features are equivalent to the features that are disclosed by Schneier '408.

Referring to claim 5, Schneier '408 discloses a method that includes a set of outcomes corresponding to a set of values at least partially defined by a deck of cards (7:46-58).

Referring to claim 30, Schneier '408 discloses a program wherein the computer readable media are selected from the set of a disk, tape other magnetic, optical, electrical storage medium (Figure 2 and 3) and a network (7:42-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-24, 28 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier '408 in view of Schneier (U.S. Patent No. 5,871,398; hereafter "Schneier '398").

Referring to claims 11, 14 and 15, Schneier '408 discloses a verifiable gaming transaction method comprising transformationally securing an encoding of a set of outcomes (9:8-10) supplying one or more player with the transformationally secured encoding (2:2-4 and 5:55-61); receiving a transformationally secured player index from each of the players (5:20-37 and 8:36-39); and selecting a particular one of the outcomes for revealing to the players based on the combination of the player indexes (12:42-44)., but does not disclose that the set of outcomes is a predetermined set of outcomes. However, Schneier '398 discloses a gaming system, such as a card game or a slot machine, which includes a set of predetermined outcomes (15:56-16:25) that gives additional control to the casino to ensure that the casino can maximize profits. One would be motivated to combine the two references in order to ensure that casinos can maximize profits by predetermining the outcomes to a plurality of games. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the feature of predetermining the outcome of a game, as discloses by Schneier '398 into the secured gaming method of Schneier '408 in order to maximize profits of casino.

Referring to claim 12, Schneier '408 discloses a method wherein the predetermined set of outcomes is transformationally secured using a cryptographic key (9:8-13); and wherein the player indexes are secured using a hash (11:18-62).

Referring to claim 13, Schneier '408 discloses a method that includes receiving and

verifying the player indexes against respective player indexes prior to the outcome selecting

(12:48-13:4).

Referring to claim 16, Schneier '408 discloses a method that includes player-selected

indexes that are combined, but does disclose using a bit-wise OR of binary encodings. However,

it is old and well known in the art that binary logic gates (AND, OR, NOR, etc.) are used for data

manipulation, especially when using a combination of data sequences. Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to

incorporate the OR sequence into the combination of indexes because it would be easy to

calculate the data sequence using a binary logic gate.

Referring to claim 17, Schneier '408 discloses a method that includes a modulo function,

since Schneier '408 incorporates a counter for determining a number of players (13:5-20).

Referring to claims 18 and 19, Schneier '408 discloses a method that includes the

securing of the randomized set encoding includes cryptographically securing the set of outcomes

(9:3-17,41-64).

Referring to claims 20 and 22, Schneier '408 in view of Schneier '398 disclose a method

comprising receiving a secured encoding of a predetermined set of outcomes for a gaming

transaction; supplying a secured encoding of the player input; after each of the participants in the

transaction has supplied a secured input, supplying the player input; accessing an outcome based

on the combination of player input with the corresponding input for each of the participants,

where the encoding is subject to later verification (12:36-13:24).

Referring to claim 21, Schneier '408 discloses a method that includes supplying player inputs after prior supply and receipt of corresponding secured inputs (Figure 7); and accessing successive one of the outcomes selected based on combination of the successively supplied player inputs with the corresponding inputs for each of the participants 12:36-13:24).

Referring to claim 23, Schneier '408 discloses a method that includes outcomes of the transformationally secured set thereof are individually secured (12:36-47); and wherein the accessing includes obtaining a key for a corresponding individually secured outcome.

Referring to claim 24, Schneier '408 discloses a method that includes outcomes of the secured set thereof are individually secured; and wherein the accessing includes receiving an encoding of the particular outcome for verification against the corresponding individually secured outcome (12:62-13:4).

Claim 28 corresponds in scope to a player client set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Claims 31-33 correspond in scope to a method of a computer-readable encoding set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Referring to claim 34, Schneier '408 discloses a computer-readable encoding that includes at least one message suitable for communication between the server and the client thereof (Figure 1).

Response to Arguments

Applicant's arguments filed September 23, 2002 have been fully considered but they are not persuasive.

Referring to claim 1, Applicants argue that Schneier '408 does not disclose or suggest a second commit sequence nested within the first commit sequence. However, Schneier '408 discloses that an invention having multiple players where the player can select the option of using a random number generator to produce a random number (8:36-39-first type commit sequence). This random number is encoded and then transmitted to another player and that player concatenates his random number with the encoded random number from the previous player (13:6-13-second type commit sequence). Therefore, the Applicants' claimed invention fails to preclude the invention disclosed by Schneier '408.

Referring to claim 25, Applicants argue that Schneier '408 does not disclose or suggest a commitment sequence executable to supply a transformationally secured set of outcomes nor selecting one of the outcomes based on a combination of player indices. However, Schneier '408 discloses a commitment sequence executable to supply a transformationally secured set of outcomes (13:5-20 and 13:35-44) and selecting one of the outcomes based on a combination of the player indices (13:5-20 and 13:35-44). Therefore, the Applicants claimed invention fails to preclude the invention disclosed by Schneier '408.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
January 2, 2003

MARK SAGER
PRIMARY EXAMINER